

**REMARKS**

Claims 1-21 and 24-57 are pending. Claims 2-21, 24-36, 43, 53 and 55 have been withdrawn from consideration. By this Amendment, claim 1 is amended. Reconsideration based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the Office Action's indication that claims 41, 42 and 44-51 contain allowable subject matter.

Applicants note that withdrawn claims 24-32 have been amended to depend from claim 1 in the Amendment filed January 9, 2003. Thus, Applicants believe that the Restriction Requirement at least, with respect to claims 34-42 should be withdrawn.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because, e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. All the Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 37-40, 44 and 56 under 35 U.S.C. §102(e) over USP 6,315,371 to Wachi et al. This rejection is respectfully traversed.

The Office Action indicates that an abnormality is a running condition of the vehicle. Thus, claim 1 is amended to recite "a switching control device operable to control such switching device on the basis of a running condition of said vehicle while said vehicle is placed in a normal state." Thus, this feature is not disclosed by Wachi.

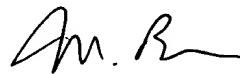
Claim 56 has been amended to depend from claim 1 which, as discussed above, contains allowable subject matter.

## **II. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance is earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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